

NOTICE TO THE AUDIENCE. PLEASE REMEMBER THAT IF YOU ARE INTERESTED IN MATTERS ON THE AGENDA THAT WILL HAVE SUBSEQUENT MEETINGS, IT IS YOUR RESPONSIBILITY TO NOTE THE DATES, TIMES, AND PLACES. NO FURTHER LETTERS OR REMINDERS WILL BE SENT. OF COURSE, IF YOU HAVE ANY QUESTIONS ABOUT ANY GIVEN MATTER, DO NOT HESITATE TO CONTACT THE PLANNING DEPARTMENT IN THE CITY HALL ANNEX, 4403 DEVILS GLEN ROAD, BETTENDORF, IOWA (344-4100).

The Board of Adjustment meeting will be open to the public. Additional and necessary measures will be taken to adhere to social distancing recommendations. Any members of the public who wish to be heard may attend the meeting in person or may call (563) 344-4071 for specific questions or alternative participation. In an effort to practice social distancing and in support of CDC guidelines, the City of Bettendorf will broadcast this meeting online at <http://www.bettendorf.org/live-meeting>.

Constituents who do not have a matter to address with the Board of Adjustment in person are strongly encouraged to stay at home and view the meeting online.

MEETING NOTICE
BOARD OF ADJUSTMENT
MAY 14, 2020
5:00 P.M.

PLACE: Bettendorf City Hall Council Chambers, 2nd Floor, 1609 State Street

1. Roll Call: Clements ____, Gallagher ____, Spranger ____, Tansey ____, Tombergs ____
2. Review of Board Procedures.
3. The Board to review and approve the minutes of the meeting of April 9, 2020.
4. The Board to hold a public hearing on the following items:
 - a. Case 20-009; 3557 Middle Road (C-3) - Special use permit to allow an outdoor service area associated with a bar, submitted by The Quarry QC, LLC. (Deferred from meeting of April 9, 2020)
 - b. Case 20-015; 3557 Middle Road (C-3) - Variance to reduce the required number of parking spaces, submitted by The Quarry QC, LLC. (Deferred from meeting of April 9, 2020)
 - c. Case 20-023; 203 Grant Street (R-2) - Variance to increase the allowable lot coverage in the required rear yard from 40 percent to 70 percent to allow construction of a 22-foot by 30-foot detached garage, submitted by Barbara Mansholt.
 - d. Case 20-027; 4950 Woodland Drive (R-2) - Variance to allow an 8-foot high fence surrounding a swimming pool, submitted by Windmiller Development.

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT AND OTHER APPLICABLE FEDERAL AND STATE LAWS, ALL PUBLIC HEARINGS AND MEETINGS HELD OR SPONSORED BY THE CITY OF BETTENDORF, IOWA, WILL BE ACCESSIBLE TO INDIVIDUALS WITH DISABILITIES. PERSONS REQUIRING AUXILIARY AIDS AND SERVICES SHOULD CONTACT BETTENDORF CITY HALL AT (563) 344-4000 FIVE (5) DAYS PRIOR TO THE HEARING OR MEETING TO INFORM OF THEIR ANTICIPATED ATTENDANCE.

The following are minutes of the Bettendorf Board of Adjustment and are a synopsis of the discussion that took place at this meeting and as such may not include the entirety of each statement made. The minutes of each meeting do not become official until approved at the next board meeting.

**MINUTES
BETTENDORF BOARD OF ADJUSTMENT
APRIL 9, 2020
5:00 P.M.**

Gallagher called the meeting to order at 5:00 p.m. He explained that he was the only member present and that the others would be participating via telephone.

Item 1. Roll Call

PRESENT: Clements, Gallagher, Spranger, Tansey, Tombergs

ABSENT: None

STAFF: Beck, Curran

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of March 12, 2020.

On motion by Clements, seconded by Tombergs, that the minutes of the meeting of March 12, 2020 be approved as submitted.

ALL AYES

Motion carried.

Item 4. The Board to hold a public hearing on the following items:

- a. Case 20-009; 3557 Middle Road (C-3) - Special use permit to allow an outdoor service area associated with a bar, submitted by The Quarry QC, LLC. (Deferred from meeting of March 9, 2020)
- b. Case 20-010; 3557 Middle Road (C-3) - Variance to reduce the required number of parking spaces, submitted by The Quarry QC, LLC. (Deferred from meeting of March 9, 2020)

Beck stated that staff had been unable to reach the applicant and asked if he should proceed with the staff report. Curran stated that given the circumstances, it would be appropriate to defer the cases until the next meeting.

On motion by Spranger, seconded by Clements, that a special use permit to allow an outdoor service area associated with a bar be deferred until such time as staff is able to contact the applicant.

ROLL CALL ON MOTION

AYE: Clements, Gallagher, Spranger, Tombergs
NAY: None
ABSTAIN: Tansey

Motion carried.

On motion by Spranger, seconded by Clements, that a variance to reduce the required number of parking spaces be deferred until such time as staff is able to contact the applicant.

ROLL CALL ON MOTION

AYE: Clements, Gallagher, Spranger, Tombergs
NAY: None
ABSTAIN: Tansey

Motion carried.

- c. Case 20-017; 3014 and 3038 Charissa's Place, 3010, 3013, 3036, and 3037 Mary Leigh Drive (UMI) - Variance to reduce the required year yard setback from 25 feet to 22 feet to allow for construction of 12-foot by 12-foot covered patios, submitted by Townsend Engineering.

Gallagher asked if there was an affidavit of publication. Beck stated that notice of public hearing had been received. Notice and affidavit of publication are Annex #2 to these minutes.

Beck reviewed the staff report. Staff report is Annex #3 to these minutes.

Tombergs commented that the staff report noted a concern about the precedent that could be set by granting the variance and asked if there is only one developer for the entire subdivision. Chris Youssi, the applicant, explained that some prospective homebuyers who are senior citizens have expressed interest in a ranch unit with a basement rather than their other product. He stated that a covered patio is another amenity that some people have requested. Youssi added that not all of the units will have covered patios but that he would like to offer it as an option and that the market would dictate what will be built. He indicated that there would continue to be a mix of products in the development.

Tombergs asked again if Youssi is the only developer involved in the subdivision. Youssi explained that there is a different builder for the single-family homes and that he is the contractor for the multi-family units.

Tombergs asked if the intent is to continue with a mix of single-family and multi-family units. Youssi confirmed this, adding that everything to the north of Charissa's Place will be multi-family with the remainder of the lots to the south being single-family.

Clements stated that the request is for a variance for 6 lots and asked if the developer plans to request similar variances for the remainder of the lots in the future. Youssi stated that the type of structure that is built will depend on the market. He added that the lots are zoned such that 4-plexes are allowed and that the density will actually be decreased by building 3-plexes. He confirmed that there will continue to be a mix of 3- and 4-family units. Clements asked again if the developer plans to return to the Board for more variances for the other multi-family lots. Youssi stated that he cannot answer the question as he is unsure of what the market will demand. He reiterated that he is uncertain whether each unit will have a covered patio as the decision will be made by a future purchaser, adding that there seems to be a strong demand for 3-family units.

A brief discussion was held regarding whether granting the request would set a precedent.

Clements asked if the issue would be better addressed for the whole development via a replat. Beck explained that the configuration of each lot would have to be changed to gain enough of a setback which would likely impinge on the adjoining lots. Youssi stated that the reason for the current request is that the property involved is already platted and the street configuration has already been approved. He explained that the next phase of the development has not yet been platted so that variance requests would not be necessary to accommodate the new product.

Curran stated that he had spoken with the City Engineer earlier who had indicated that replatting is not an option at this point.

There being no one else wishing to speak in favor of or in opposition to the request, Gallagher closed the public hearing.

On motion by Spranger, seconded by Tansey, that a variance to reduce the required rear yard setback from 25 feet to 22 feet to allow for construction of 12-foot by 12-foot covered patios be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:15 p.m.

These minutes and annexes approved

Greg Beck
City Planner



COMMUNITY DEVELOPMENT
City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4083

May 14, 2020

Case 20-009

Special use permit to allow an outdoor service area associated with a bar.

Case 20-015

Variance to reduce the required number of parking spaces.

Location: 3557 Middle Road

Applicant: The Quarry QC, LLC

Zoning Designation: C-3, General Business District

Update – May 14

At the March 12 meeting, the Board deferred Cases 20-009 and 20-015 until such time as a parking plan was submitted which shows how the applicant plans to remedy the issue of the lack of required parking spaces. Another deferral was granted at the April 9 meeting. The applicant has communicated to staff via email that they plan to obtain 2 additional spaces at the rear of the building to offset the proposed loss; however, staff does not see where any available space could be found to provide those stalls, and the applicant has not provided a physical plan showing the change.

Background Information and Facts

The site is located just southeast of Whitey’s Ice Cream near the intersection of Middle Road and Devils Glen Road. The Quarry is a new bar located in a recently-constructed multi-tenant retail structure (see Attachment A – Location Map). If allowed, the applicant would like to have an outdoor service area adjacent to (north of) the main entrance to the unit involved (see Attachment B – Front of Building). The owner plans to enclose the area with a railing to separate it from vehicular traffic. The proposed outdoor service area would occupy two existing parking spaces.

Staff Analysis

The applicable portions of the C-3 District description for this request are: “The C-3 general business district is intended to provide mixed-use areas to be used for **all types of retailing and service uses**, certain wholesale and warehousing uses, and some limited industrial activities that are normally associated with commercial uses. **The uses allowed are often large space uses** and cater to customers who do not make frequent purchases. The district is normally located along major thoroughfares, where adequately sized parcels of land allow for large setbacks, clear vision, and safe ingress and egress.”

If allowed, the outdoor service area will have significant separation from surrounding residential areas and individual residences (see Attachment C – Separations), specifically:

- 760-foot separation from the nearest residence to the north and adjacent to Middle Road.
- 990-foot separation from the nearest residence to the east on Sparrow Court.
- 850-foot separation from the nearest residence to the southwest on Holiday Court.

The Board of Adjustment may impose conditions and restrictions upon the premises benefited by any special use permit. In the past, the Board has restricted the hours of outdoor service areas adjacent to residential districts as well as the amount of sound or music that will be allowed as part of the special use permit process. The applicant does intend to have outdoor music and, on occasion, live outdoor music. In this case, the distances listed above from the nearest residences may indicate that those restrictions are not needed.

The special use request for this specific strip center unit has never previously been denied by the Board and therefore, by Code, can be given consideration for approval or denial at this time.

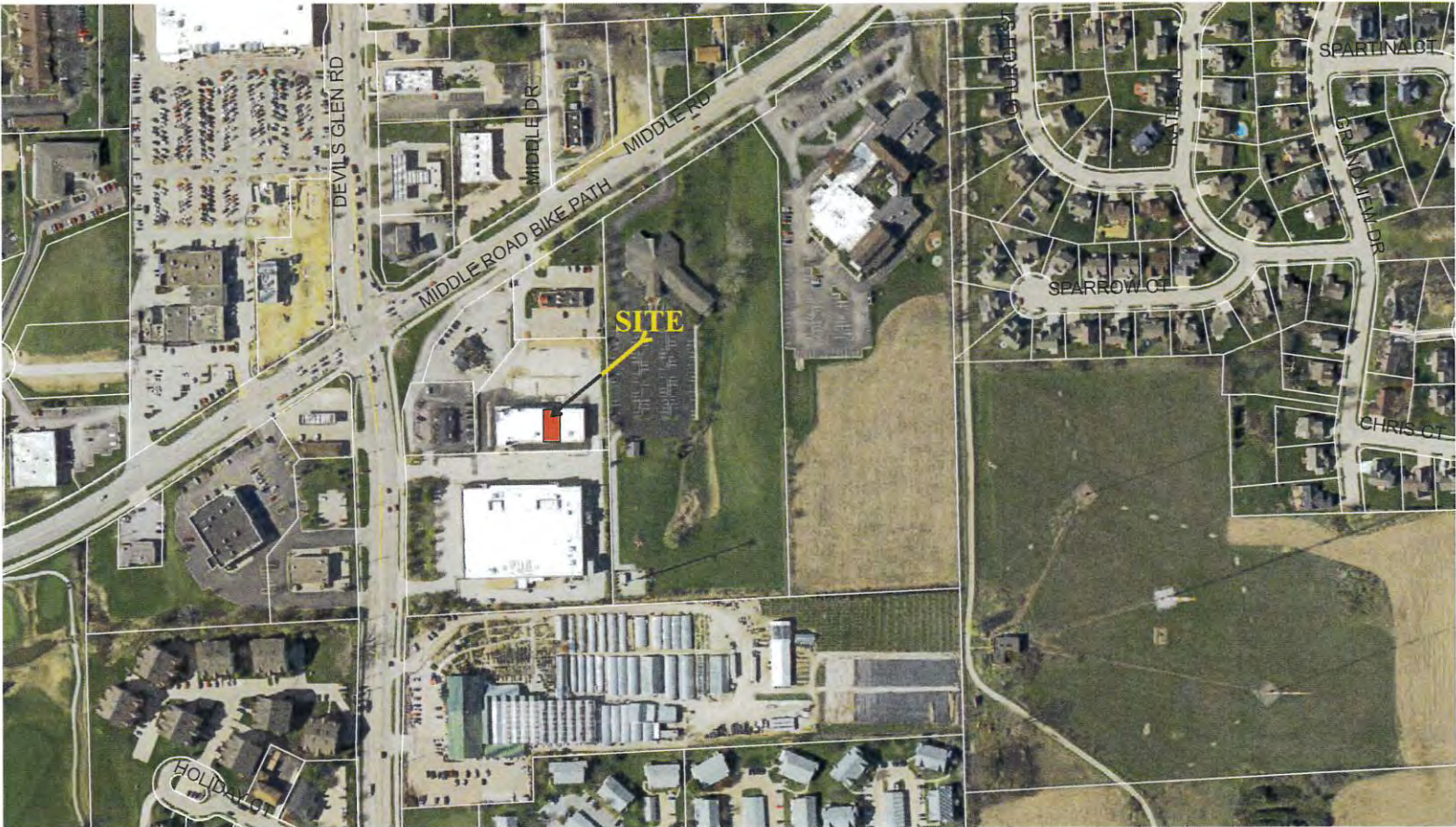
The Board approved a special use permit for the bar. If the current request is approved, that use will be extended to the outdoor patio and expanded by 649+ square feet generating the need for more parking. The parking required for both the indoor bar and the outdoor patio of the bar is 25 spaces (see Attachment D – Bar and Patio Plan). The patio will also occupy at least two existing parking spaces. Upon examination, the overall parking did not match the approved site development plan (see Attachment E – Site Parking). 97 parking spaces were shown to be provided, however, only 89 spaces were actually provided. Taking away 2 spaces for the patio reduces the amount to 87 on-site spaces. The original parking plan did not factor a bar use into the formula which requires a greater number of parking spaces over the originally planned restaurant (21 additional). Beyond the 96 required spaces for the original design, the additional 21 spaces would create a new obligation for 117 parking spaces for the entire site. The adjacent unit to the Quarry is Indulge Salon Studios which operates until 8 pm on Tuesdays and Thursdays. On Mondays and Wednesdays, Indulge is only open until 3 pm. Some overlap is present in these hours, as the petitioner previously mentioned their peak hours were from 3-8 pm. There are also two open retail spaces at this facility, and those final uses and their need for parking are not yet known. The final approval of those future uses will depend upon the available parking.

Staff suggests the Board evaluate the number of parking spaces needed for this site and if this request will have any adverse impact on the overall development and the adjacent business owners. The standards for evaluating the Special Use Permit are listed in 11-15-9. A.–E. (see Attachment F - City Ordinance). The Petitioner has emailed the following photos and correspondence (see Attachment G - Photos and Correspondence).

Respectfully submitted,

Greg Beck
City Planner

Attachment - A

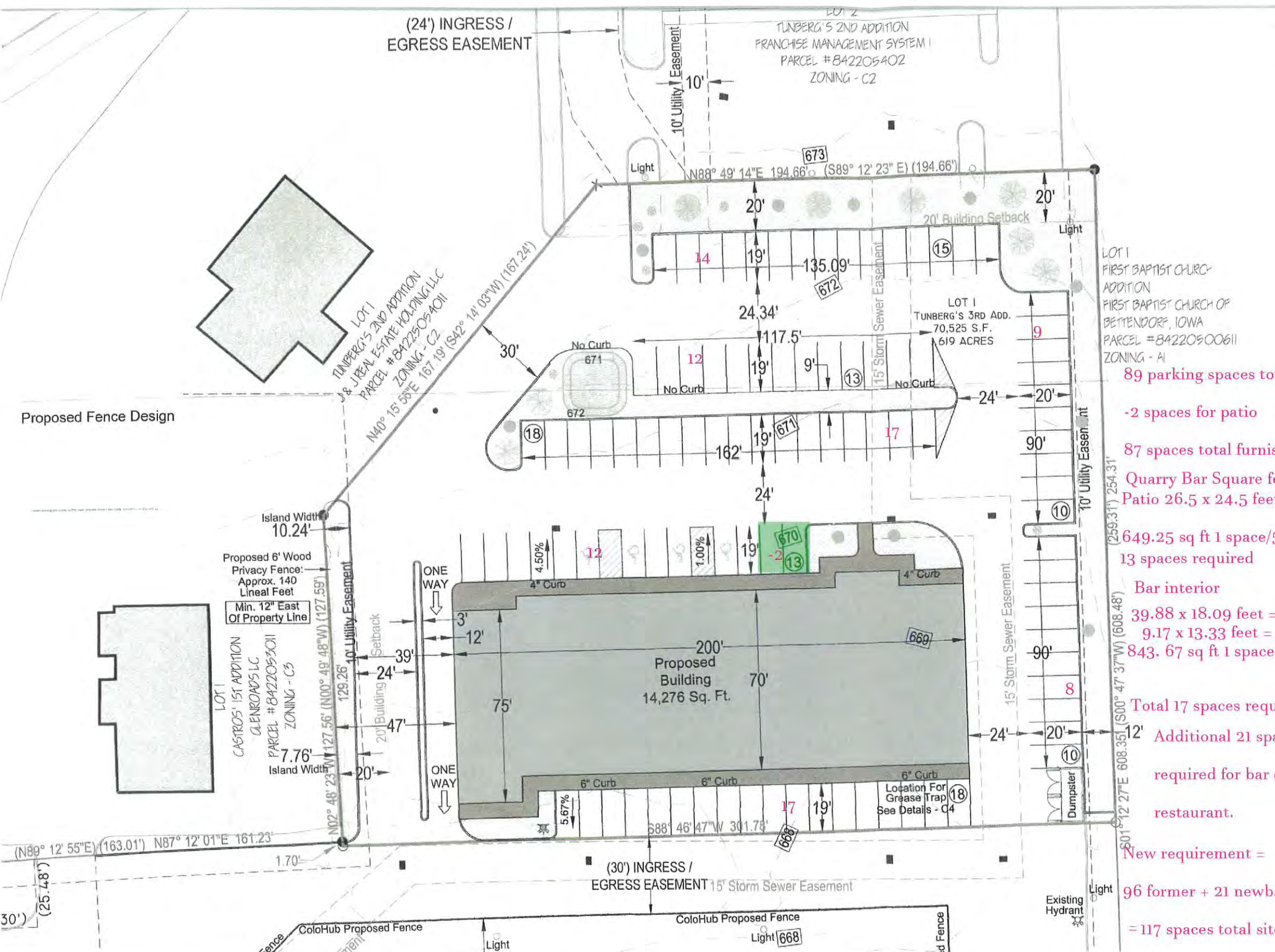
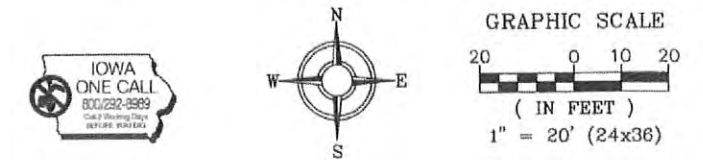




Attachment - C



Russell Construction Company Commercial Building Lot 1 Tunberg's Third Addition Bettendorf, Iowa 52722



89 parking spaces total
 -2 spaces for patio
 87 spaces total furnished.
 Quarry Bar Square feet
 Patio 26.5 x 24.5 feet =
 649.25 sq ft 1 space/50 sq ft
 13 spaces required
 Bar interior
 39.88 x 18.09 feet = 721.43
 9.17 x 13.33 feet = 122.24
 843.67 sq ft 1 space / 50
 Total 17 spaces required
 Additional 21 spaces
 required for bar over
 restaurant.
 New requirement =
 96 former + 21 newbar spaces
 = 117 spaces total site.

- GENERAL NOTES**
- ALL IMPROVEMENTS SHOWN ON THESE ENGINEERING PLANS SHALL COMPLY WITH THE CITY OF BETTENDORF STANDARD SPECIFICATIONS FOR PUBLIC IMPROVEMENTS, LATEST EDITION, AND THE STANDARDS OF THE IOWA DEPARTMENT OF NATURAL RESOURCES, LATEST EDITION.
 - LOT 1 TUNBERG'S THIRD ADDITION BEING A REPLAT OF LOT 3 OF TUNBERG'S 2ND ADDITION TO THE CITY OF BETTENDORF, SCOTT COUNTY IOWA.
 - IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT ALL EXISTING UTILITIES AND PAVED STREETS, INCLUDING ANY NOT SHOWN ON THESE DRAWINGS. THE CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION AND NOTIFY THE ENGINEER IF ANY CONFLICTS WITH THE DRAWINGS OCCUR. ANY DAMAGE TO EXISTING UTILITIES AND/OR PAVED STREETS CAUSED BY TRENCHING AND GRADING OPERATIONS SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE. EXISTING UTILITY LOCATIONS SHOWN ON THE DRAWINGS ARE APPROXIMATE.
 - THE CONTRACTOR SHALL NOTIFY THE CITY OF BETTENDORF AND THE ENGINEER 48 HOURS PRIOR TO COMMENCEMENT OF ANY WORK.
 - PROVIDE POSITIVE DRAINAGE AT ALL TIMES WITHIN THE CONSTRUCTION AREAS DO NOT ALLOW WATER TO DRAIN OR TO POND ONTO ADJOINING PROPERTY OR PUBLIC RIGHT-OF-WAY.
 - ALL DEBRIS RESULTING FROM CONSTRUCTION OPERATIONS SHALL BE PROPERLY DISPOSED OF OFF-SITE.
 - CONCRETE PAVEMENT SHALL CONFORM TO THE REQUIREMENTS OF IOWA DEPARTMENT OF TRANSPORTATION SPECIFICATIONS FOR HIGHWAYS AND BRIDGE CONSTRUCTION, SECTION 2301, PORTLAND CEMENT CONCRETE PAVEMENT. CONCRETE PAVEMENT WITHIN THE PUBLIC RIGHT-OF-WAY SHALL CONFORM TO THE CITY OF BETTENDORF STANDARDS AND SPECIFICATIONS.
 - ALL SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL CONFORM TO THE IOWA CONSTRUCTION SITE EROSION CONTROL MANUAL, LATEST EDITION.
 - NOTE: ALL DIMENSIONS ARE TO THE BACK OF CURB, UNLESS OTHERWISE NOTED.
 - EXISTING ZONING: C2
 - ALL UTILITIES ARE PRIVATE ONSITE. ALL SANITARY & STORM SEWER MAINTENANCE TO BE DONE BY THE OWNERS OF ANY PORTION OF THE PLATTED AREA.
 - PARKING LOT LIGHTING WILL BE DESIGNED BY A QUALIFIED ELECTRICIAN AND A PHOTOMETRIC PLAN WILL BE SUPPLIED TO THE CITY OF BETTENDORF FOR REVIEW. A MINIMUM OF (2) PARKING LOT LIGHTS WILL BE DESIGNED AND WALL PACKS FOR EACH UNIT WILL BE SHOWN.

LEGEND:

--- EASEMENT	⊗ EXISTING GAS VALVE	--- EXISTING CONTOUR LINE
- - - SETBACK LINE	⊗ EXISTING WATER VALVE	--- PROPOSED CONTOUR LINE
--- CENTERLINE	⊗ EXISTING UTILITY POLE	
--- PROPERTY BOUNDARY	⊗ EXISTING LIGHT POLE	
--- EXISTING FENCE	⊗ EXISTING TREE	
--- EXISTING SANITARY	⊗ EXISTING BUSH	
--- PROPOSED SANITARY	⊗ EXISTING MANHOLE	
--- EXISTING STORM SEWER	⊗ EXISTING FIRE HYDRANT	
--- PROPOSED STORM SEWER	⊗ FOUND PROPERTY PIN	
--- EXISTING WATER	⊗ CONTROL POINT	
--- PROPOSED WATER		
--- EXISTING GAS LINE		
--- PROPOSED GAS LINE		
--- EXISTING ELECTRIC		
--- PROPOSED ELECTRIC		

C2 Zoning Requirements
 Front Yard: 20 Ft. Minimum Building Setback
 Side Yard: 0 Ft. Minimum Building Setback
 Rear Yard: 0 Ft. Minimum Building Setback

Proposed Building Total Square Footage: 14,276

LANDSCAPING NOTES

Minimum Street Yard Greenspace requirements:
 Total Required Tree Factors = 16

Buffer Yard Area = 9 Tree Factors
 Vehicular Use Area = 7 Tree Factors

	Deciduous Overstory Tree A shade-producing woody plant having a mature height and spread of at least 30 feet with one well-defined trunk and no branches at or near the base.	Deciduous overstory 2-inch caliper and 22-inch ball or pot 1.0 4-inch caliper and 40-inch ball or pot 2.0
	Deciduous Understory Tree A woody plant at least 10 feet tall at maturity with one or more well-defined trunks.	One-stem deciduous understory 1 1/4-inch caliper and 16-inch ball or pot 0.5 3-inch caliper and 30-inch ball or pot 1.0
	Evergreen/Conifer Tree An upright cone-bearing plant having green needle-like foliage throughout the year and at least 20 feet tall at maturity.	Multi-stem deciduous understory 6-foot height and 16-inch ball or pot 0.5 12-inch height and 30-inch ball or pot 1.0
		Evergreen 6-foot height and 16-inch ball or pot 0.5 12-foot height and 30-inch ball or pot 1.0

PARKING REQUIREMENTS

- PLANNED USE: 5,250 SQ. FT. RETAIL - REQUIRED PARKING= 1 SPACE PER 180 SQ. FT. 29 SPACES REQUIRED
- PLANNED USE: 3,500 SQ. FT. BUSINESS/PROFESSIONAL - REQ. PARKING= 1 SPACE PER 300 SQ. FT. 12 SPACES REQUIRED
- PLANNED USE: 5,525 SQ. FT. RESTAURANT - REQUIRED PARKING= 1 SPACE PER 100 SQ. FT. 55 SPACES REQUIRED

96 TOTAL SPACES REQUIRED - 97 TOTAL SPACES PROVIDED

117 required spaces -
 87 spaces provided =
 30 spaces needed.

I hereby certify that this Engineering document was prepared by me or under my direct personal supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Iowa.

CHRISTOPHER R. TOWNSEND, P.E.
 License number: 14864
 My license renewal date is December 31, 2018.
 Pages or Sheets covered by this seal: C1-C5

Date: 10-25-17

- A. Purpose: This title is based upon the division of the city into districts, within which the uses of land, and the uses and bulk of buildings and structures, are substantially uniform. It is recognized, however, that there are special uses which, because of their unique characteristics, can only be properly classified in any particular district or districts upon consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such special uses fall into two categories:
1. Uses publicly operated or traditionally affected with a public interest, and
 2. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property, public facilities, or the city as a whole.
- B. Authority: Special-use permits may be granted by the board of adjustment, but only in accordance with the requirements hereinafter set forth.
- C. Application and Notice of Hearing: An application for a special-use permit shall be filed in duplicate with the city clerk, who shall forward a copy of the application to the board of adjustment without delay. The application shall be in such form, contain such information, and be accompanied by such plans as the board of adjustment may by rule require. The board of adjustment shall hold a public hearing on such application in the manner described in Section 11-15-12 of this chapter.
- D. Report and Decision: Within 100 days after the close of the hearing, unless the applicant shall have consented to a longer period, the board of adjustment shall grant or deny the proposed special use. A written report giving the findings and recommendations for action to be taken on the application shall be prepared by the board of adjustment. The report shall include any recommended conditions or restrictions to be imposed upon the premises benefited by the special-use permit.
- E. Standards: No special-use permit may be granted unless:
1. The proposed use is designated by this title as a special use in the district in which the use is to be located.
 2. The proposed use will comply with all applicable regulations in the district in which the use is to be located.
 3. The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
 4. The location, nature, and height of buildings, walls, and fences, and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.
 5. Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining uses, and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.
 6. The proposed use will not cause substantial injury to the value or other property in the neighborhood.
 7. Conditions in the area have substantially changed and at least one year has elapsed since any denial by the board of adjustment of any prior application for a special-use permit that would have authorized substantially the same use of all or part of the site.
 8. The board of adjustment shall impose such conditions and restrictions upon the premises benefited by a special-use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the general intent of this title. Failure to comply with such conditions or restrictions shall constitute a violation of this title.
 9. The proposed use is consistent with the Bettendorf Comprehensive Plan and serves to further the goals of the plan.

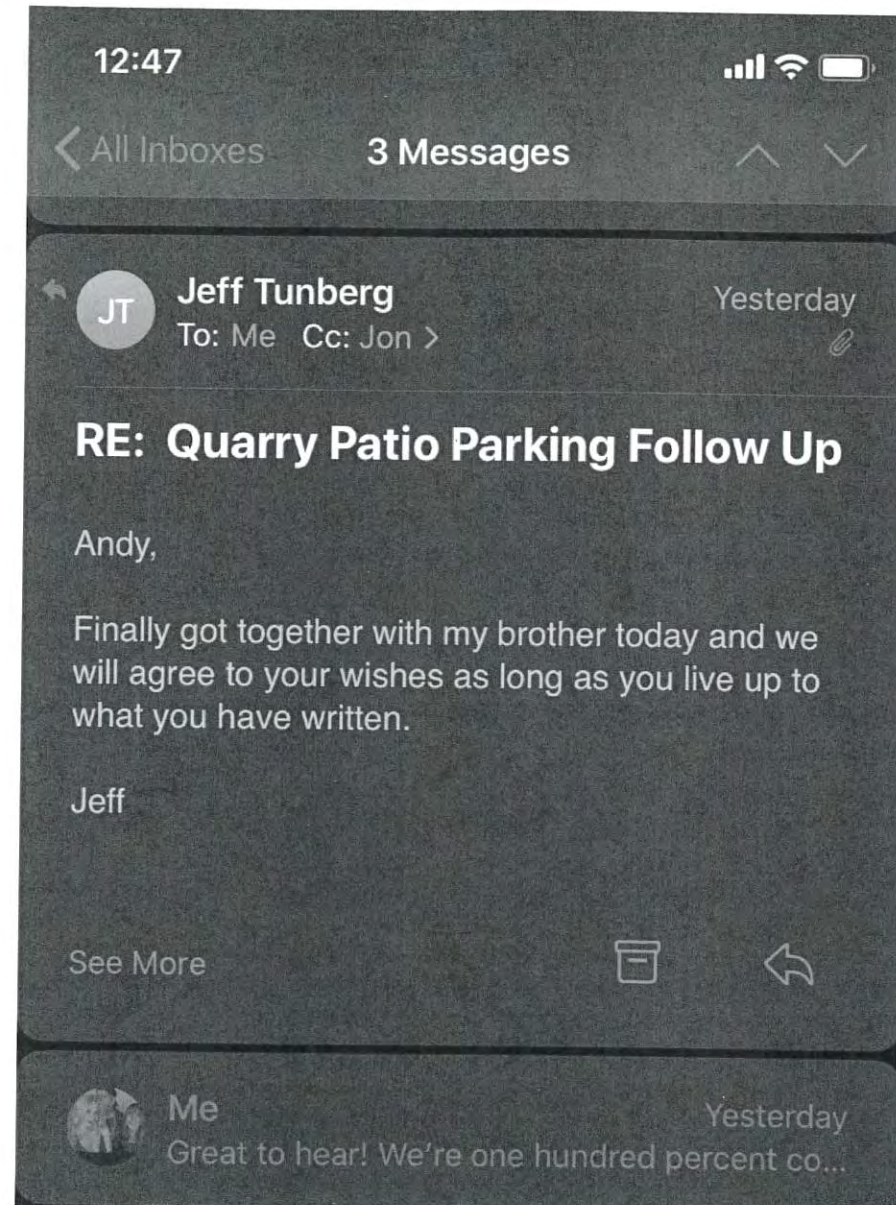
The Quarry Patio Proposal

After deferring our proposal from the last board of adjustment meeting, we'd like to offer these possible solutions to be able to move forward with our patio construction for Spring 2020.

While our proposed space sits outside our front door to the North of the building, it takes up two parking spaces. So we are looking at creating two more spaces in our lot. Here is a bulleted list of options we have explored and are willing to adhere to.

- Notice on marquis that there is parking available in the back of the building, in an effort to discourage parking in our neighboring establishments lots.
- Purchasing "No Parking" signs for our neighbors as well as installing or paying for installation of the signs
- Creating two new spots for parking, leaving us with the same amount of parking as we have now and have been approved for.

With our bar capacity in relation to our current available parking, our busy hours on a Friday night still leave a plethora of parking options in our lot. That's seats at the bar filled and at least two people at most tables. The patio, in our estimation creates room for about 24 more guests if we are at capacity inside. We are attaching photos of the parking lot at 6PM and 8 PM on a Friday night. This should illustrate the kind of space we have outdoors while having a full bar indoors.



Petitioner's Submittals





Case No. 20-009

APPEAL AND APPLICATION TO THE ZONING BOARD OF ADJUSTMENT OF BETTENDORF, IOWA

Part 1. Property Involved.

Street Address 3557 Middle Road Bettendorf IA

Legal Description of the property. LOT 1 Tunberg's Third Add

Part 2. Contact Information.

Applicant Name Andy Gadien + Phone 563.940.5083

Address 603 Leclair Street Davenport IA FAX _____

E-mail Address: dreugadien@gmail.com

Owner Name Andy Gadien + Phone 563.940.5083

Address _____ FAX _____

E-mail Address: _____

Agent _____ Phone _____

Address _____ FAX _____

E-mail Address: _____

Part 3. Type of Application. (check at least one)

 1. Variance/Exception. Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions **MUST** be met:

- (a) That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.
- (b) That it will not impair an adequate supply of light and air to adjacent property.
- (c) That it will not unreasonably increase the congestion in public streets.
- (d) That it will not increase the danger of fire or of the public safety.
- (e) That it will not unreasonably diminish or impair established property values within the surrounding areas.
- (f) That it will not in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the city.

 2. Special Use Permit. Before the Board of Adjustment grants approval of a special use permit, all of the following conditions **MUST** be met:

- (a) The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.
- (b) The proposed use will comply with all applicable regulations in the district in which the use is to be located.
- (c) The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
- (d) The location, nature, and height of buildings, walls, and fences and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.
- (e) Parking areas will be of adequate size for the particular use, properly located, and suitably screened from adjoining uses and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.
- (f) The proposed use will not cause substantial injury to the value of other property in the neighborhood.
- (g) Conditions in the area have substantially changed and at least one year has elapsed since any denial by the Board of Adjustment of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site.
- (h) The Board of Adjustment shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.

 3. Other. _____
(Attach a separate sheet and explain in detail.)

Part 4. General Information.

Section(s) of Zoning Ordinance Involved _____ Existing Zoning _____

Part 5. Reasons for Application. In the space below, give a general description of the activity desired and principal reasons why this application should be granted by the Board. If this application is for a variance, please state the hardship which the zoning ordinance imposes on the property. Use the following criteria as justification for the requested variance. Use additional sheets if necessary.

- (a) It shall be the property owner's responsibility to show that the terms of this ordinance will impose unusual and practical difficulties or particular hardships. The hardship established by the property owner must not be SELF-IMPOSED. A self-imposed hardship is NOT justification for the approval of a variance request.
- (b) If the variance granted is in harmony with the general purpose, intent, and spirit of this ordinance.
- (c) If the board determines that the granting of the requested variance will not serve merely as a convenience to the applicant, but will alleviate a demonstrable hardship as to warrant a variance from the official city plan as established by Ordinance No. 381 of the city, and at the same time the surrounding property will be reasonably protected.
- (d) That by granting the request for a variance substantial justice shall be done.
Outdoor seating for guests, fenced in patio for music, drinks and food. Looking for open to close hours as we are in a commercial area. Live music twice a month on Sunday daytime.

Part 6. Attachments. The following items are attached and are a part of this application.

- () 1. Scale accurate site plan, at a scale of 1" = 20' or other suitable scale, showing adjacent street, property line, building location of existing and proposed buildings and other important features of the property. Required with all applications.
- () 2. Legal Description. (If not shown on page 1.)
- () 3. Floor plan if internal design of building is part of application.
- () 4. List additional attachments.

Part 7. Signature.

I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this 10th day of Feb 2020.

Signature of Applicant [Signature] Signature of Owner [Signature]
(The owner **MUST** indicate his consent to this application by signing above. Application without the signature of the owner will not be processed)

State of Iowa)
) SS
County of Scott)

Before me the undersigned Notary Public, in and for the County and State, personally appeared applicant(s) and separately and severally acknowledge the execution of the foregoing application is his/her voluntary act and deed, for the purposes therein expressed.

Witness my Hand and Notarial Seal this 20th day of February, 2020.
[Signature]
Notary Public in and for Scott County, Iowa

Part 10. Filing Fee.
\$ 50.00 Single Family/Two-family Residential Variance
\$ 100.00 All Other Applications

Received by [Signature]
Amount \$ 100 Date Feb 10, 2020





COMMUNITY DEVELOPMENT

City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4100

May 14, 2020

Case No. 20-023

Location: 203 Grant Street

Applicant: Barbara Mansholt

Zoning Designation: R-2, Single-Family Residence District

Request: Variance to increase the allowable lot coverage in the required rear yard from 40 percent to 70 percent to allow construction of a 22-foot by 30-foot detached garage.

Background Information and Facts

The site is located on the south side of Grant Street with an alley entrance east of Greenwood Avenue (see Attachment A – Aerial Photo). The applicant would like to replace an existing detached garage with a new 660 square foot garage that would occupy nearly 70% of the required rear yard. A maximum of 40% of a rear yard may be occupied per City Code (11-11-19. D.7.g. Maximum Size of Accessory Building).

Staff Analysis

A 1,000 square foot garage is allowed by code without a variance. The proposed placement of the garage requires a variance due to the 40% rear yard occupation requirement. If allowed, the 22-foot by 30-foot garage would be set back a minimum of 5 feet from the rear and side property lines (see Plot Plan and Site Photo - Attachments B and C). A 720 square foot garage was permitted to exceed the 40% limitation as permitted by a variance granted in 2016 at 1045 Hall Street (see Decision and Order - Attachment D). The house at 1045 Hall Street is set back 25 feet; however, the applicant has a front yard setback of 50 feet reducing the size of the overall rear yard area significantly compared to the previously granted variance. The surrounding structures are also set back at that distance (see Setback Aerial - Attachment E).

Given the similar lot sizes and constraints, staff does not see the ratio of the request for occupying the rear yard setback as differing substantially from what was granted at 1045 Hall Street for a larger garage. Many smaller lots in the older part of Bettendorf are situated with garages occupying large portions of rear yards. The dwelling unit's being set back at a 25-foot greater distance than what is required for an R-2, Single-Family Residence District has forced the garage to occupy this remaining rear yard area.

Respectfully submitted,

Greg Beck
City Planner

GRANT ST

ALLEY



8'
22 x 30



Permitted rear yard area
17 x 40 ft

8'



1/20
203 B

125

203 Grant St
Proposed
22 x 50

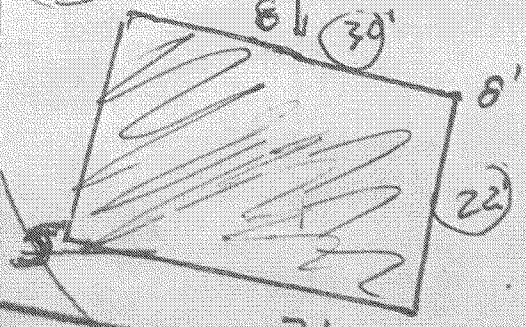
150'

ALLEY

Proposed
22 x 30



6' ↑ (30')



8'
22'

7'

105

ALLEY



Return to: Lisa Fuhrman, City of Bettendorf, 4403 Devils Glen Road, Bettendorf, IA 52722, 563-344-4061

CITY OF BETTENDORF - ZONING BOARD OF ADJUSTMENT DECISION AND ORDER

Project Location 1045 Hall Street
Legal Description Lot 7, Block 5, Riverview Addition
Project Number 16-013
Project Type Variance to allow a garage to exceed the 40% rear yard ratio by 100 square feet to allow construction of a 720 square foot garage.

Facts

The site is located on the south side of Hall Street approximately halfway between 10th Street and 12th Street. The applicant would like to replace an existing detached garage with a new 720 square foot garage that would occupy more than 40% of the required rear yard.

A 720 square foot garage is allowed by code without a variance; therefore, the size of the garage is not an issue. The placement of the garage requires the variance because of the 40% rear yard occupation requirement. If allowed, the 24-foot by 30-foot garage would be at the required 5-foot setback from both the rear property line and the side (east) property line. If allowed, the garage would match the size of the garage next door (west) which was allowed by an approved variance in 2008 (Case 08-049). That variance reduced the side yard from 5 feet to 3 feet. In that previous case the 24-foot wide side of that garage faced the alley and it did not exceed the 40% ratio. In the current request the 30-foot wide side of the garage will face the alley and thus will exceed the 40% rear yard ratio.

In summary, both of the abovementioned garages are the same square footage, same dimensions (24 feet by 30 feet), and are occupying the same areas in the rear yard. They are simply oriented differently: length vs. width facing the alley.

Staff, in conjunction with a zoning committee, is working on a new ordinance that recognizes the constraints of the smaller lots in the original sections of the city in an effort to find some relief that will allow the efficient use of those properties without the need for future variances.

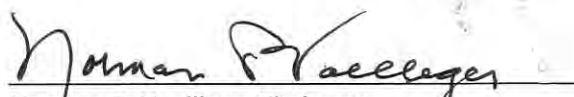
The size and dimensions of the proposed garage are equal to the garage next door that was approved by a side yard variance in 2008. The request appears to be similar and compatible to the previously approved request.

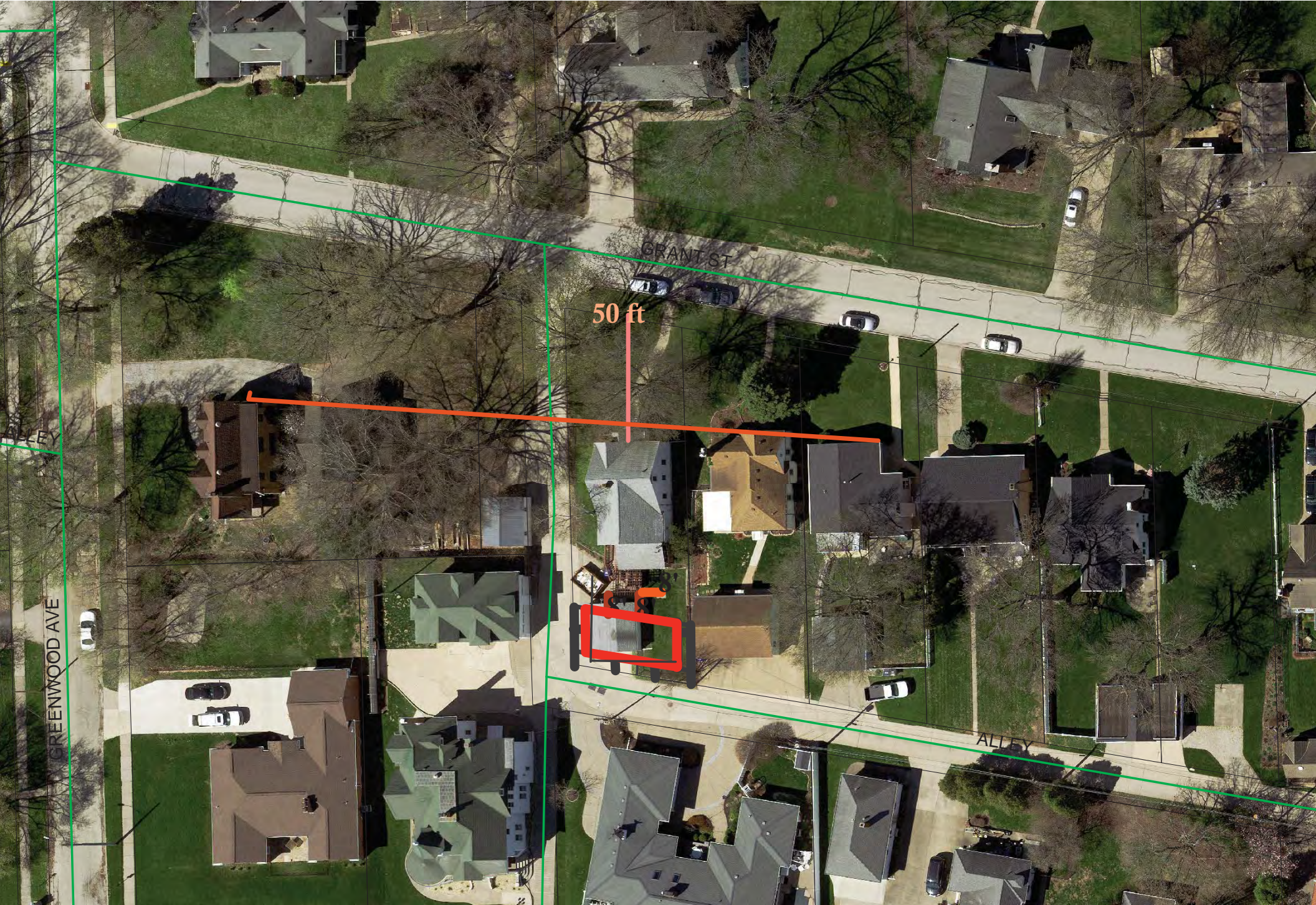
BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE CITY OF BETTENDORF, IOWA; that the following Findings of Fact are made:

1. That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.
2. That it will not impair an adequate supply of light and air to adjacent property.
3. That it will not unreasonably increase the congestion in public streets.
4. That it will not increase the danger of fire or of the public safety.
5. That it will not unreasonably diminish or impair established property values within the surrounding area.
6. That it will not in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the city.
7. Approval is conditioned upon the council's approval of any regulatory matters within the sphere of authority of the council in its normal regulatory duty.

THEREFORE, BE IT RESOLVED BY THE ZONING BOARD OF ADJUSTMENT OF THE CITY OF BETTENDORF, IOWA; that a request for a variance to allow a garage to exceed the 40% rear yard ratio by 100 square feet to allow construction of a 720 square foot garage on property located at 1045 Hall Street and legally described as Lot 7, Block 5, Riverview Addition, be granted.

Done this 10th day of March, 2016.


Norman P. Voelliger, Chairman
Board of Adjustment



50 ft

GRANT ST

GREENWOOD AVE

ALLEY

Case No. 20-023

APPEAL AND APPLICATION TO THE ZONING BOARD OF ADJUSTMENT OF BETTENDORF, IOWA

Part 1. Property Involved.

Street Address 203 Grant Street, Bettendorf

Legal Description of the property. Riverside Add Lot 16 Blk 11 Ex SWly cor
BEB Parcel 84294921611 Sec 17w/1ng 4081-011-016

Part 2. Contact Information.

Applicant Name Barbare A Mansholt Phone 309 236 1502

Address 203 Grant Street Bettendorf FAX _____

E-mail Address: 4health66@gmail.com

Owner Name Barbara A Mansholt Phone 309 236 1502

Address 203 Grant St, Bettendorf FAX _____

E-mail Address: 4health 66 @ gmail.com

Agent _____ Phone _____

Address _____ FAX _____

E-mail Address: _____

Part 3. Type of Application. (check at least one)

1. **Variance/Exception.** Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions **MUST** be met:
- (a) That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.
 - (b) That it will not impair an adequate supply of light and air to adjacent property.
 - (c) That it will not unreasonably increase the congestion in public streets.
 - (d) That it will not increase the danger of fire or of the public safety.
 - (e) That it will not unreasonably diminish or impair established property values within the surrounding areas.
 - (f) That it will not in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the city.
- ____ 2. **Special Use Permit.** Before the Board of Adjustment grants approval of a special use permit, all of the following conditions **MUST** be met:
- (a) The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.
 - (b) The proposed use will comply with all applicable regulations in the district in which the use is to be located.
 - (c) The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
 - (d) The location, nature, and height of buildings, walls, and fences and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.
 - (e) Parking areas will be of adequate size for the particular use, properly located, and suitably screened from adjoining uses and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.
 - (f) The proposed use will not cause substantial injury to the value of other property in the neighborhood.
 - (g) Conditions in the area have substantially changed and at least one year has elapsed since any denial by the Board of Adjustment of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site.
 - (h) The Board of Adjustment shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.

____ 3. Other. _____
(Attach a separate sheet and explain in detail)

Part 4. General Information.

Section(s) of Zoning Ordinance Involved _____ Existing Zoning _____

Part 5. Reasons for Application. In the space below, give a general description of the activity desired and principal reasons why this application should be granted by the Board. If this application is for a variance, please state the hardship which the zoning ordinance imposes on the property. Use the following criteria as justification for the requested variance. Use additional sheets if necessary.

- (a) It shall be the property owner's responsibility to show that the terms of this ordinance will impose unusual and practical difficulties or particular hardships. The hardship established by the property owner must not be SELF-IMPOSED. A self-imposed hardship is NOT justification for the approval of a variance request.
- (b) If the variance granted is in harmony with the general purpose, intent, and spirit of this ordinance.
- (c) If the board determines that the granting of the requested variance will not serve merely as a convenience to the applicant, but will alleviate a demonstrable hardship as to warrant a variance from the official city plan as established by Ordinance No. 381 of the city, and at the same time the surrounding property will be reasonably protected.
- (d) That by granting the request for a variance substantial justice shall be done.

Alley built after ^{current} garage. Existing garage in disrepair
at time of property purchase.
Building new garage allow for appropriate off-street
parking and overall approved aesthetics to property.

Part 6. Attachments. The following items are attached and are a part of this application.

- () 1. Scale accurate site plan, at a scale of 1" = 20' or other suitable scale, showing adjacent street, property line, building location of existing and proposed buildings and other important features of the property. Required with all applications.
- () 2. Legal Description. (If not shown on page 1.)
- () 3. Floor-plan if internal design of building is part of application.
- () 4. List additional attachments.

Part 7. Signature.

I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this 21 day of April, 20 20.

Signature of Applicant [Signature] Signature of Owner [Signature]
 (The owner MUST indicate his consent to this application by signing above. Application without the signature of the owner will not be processed)

State of Iowa)
) SS
 County of Scott)

Before me the undersigned Notary Public, in and for the County and State, personally appeared applicant(s) and separately and severally acknowledge the execution of the foregoing application is his/her voluntary act and deed, for the purposes therein expressed.

Witness my Hand and Notarial Seal this 21st day of April, 20 20.

[Signature]
 Notary Public in and for Scott County, Iowa

Part 10. Filing Fee.

\$ 50.00 Single Family/Two-family Residential Variance
 \$100.00 All Other Applications

Received by [Signature]
 Amount \$50. Date 4/27/20
1041662



COMMUNITY DEVELOPMENT

City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4083

May 14, 2020

Case No. 20-027

Location: 4950 Woodland Drive

Applicant: Windmill Development

Zoning Designation: R-2, Single-family Residence District

Request: Variance to allow an 8-foot high fence around a swimming pool.

Background Information and Facts

The site is located on the west side of Middle Road and is north of Crow Creek Road and Woodland Drive (see Attachment A – Aerial Photo). The applicant would like to place an 8-foot high fence around a swimming pool at 4950 Woodland Drive (Lot 57 of The Woodlands 1st Addition) (see Plat Section - Attachment B).

Staff Analysis

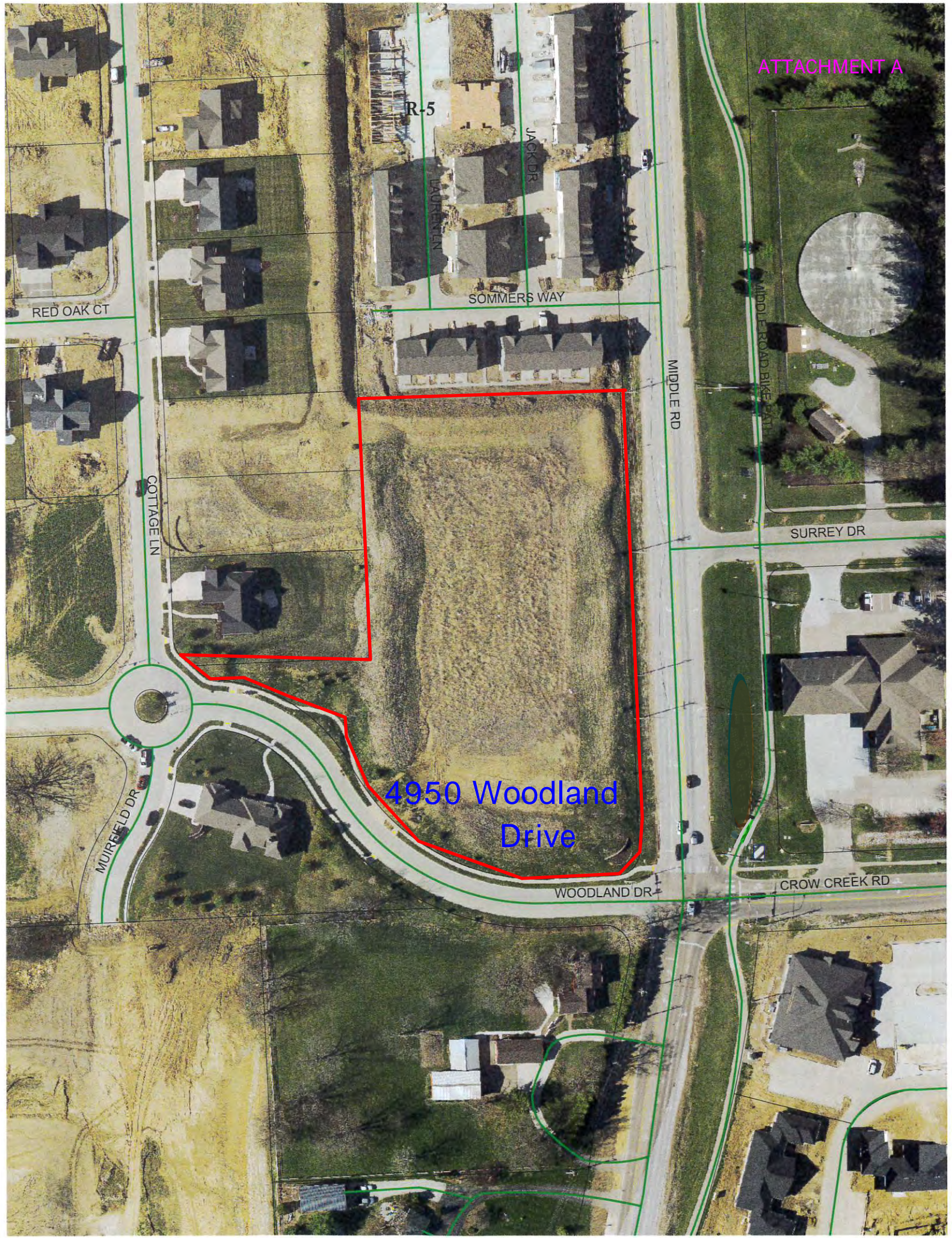
This parcel has an inground swimming pool, pool house, and small neighborhood parking lot. Other pool fences taller than 6 feet exist in other residentially-zoned areas of the City, none of which received a variance (see Site Photo - Attachment C). The pool is located in the southern portion of the lot (see Plot Plan - Attachment D).

Provisions for fences this high typically contain industrial or utility functions. The applicant desires to protect the swimming pool using an iron type fence that is similar in height to the two other swimming pools cited.

Staff does not see an inconsistency in this request with what has been previously permitted on the Pheasant Hills and Beacon Ridge properties for swimming pools.

Respectfully submitted,

Greg Beck
City Planner



R-5

RED OAK CT

COTTAGE LN

MUIRFIELD DR

LAURENCE LN

SOMMERS WAY

JACK DR

MIDDLE RD

MIDDLE ROAD BIKE PATH

SURREY DR

4950 Woodland Drive

WOODLAND DR

CROW CREEK RD



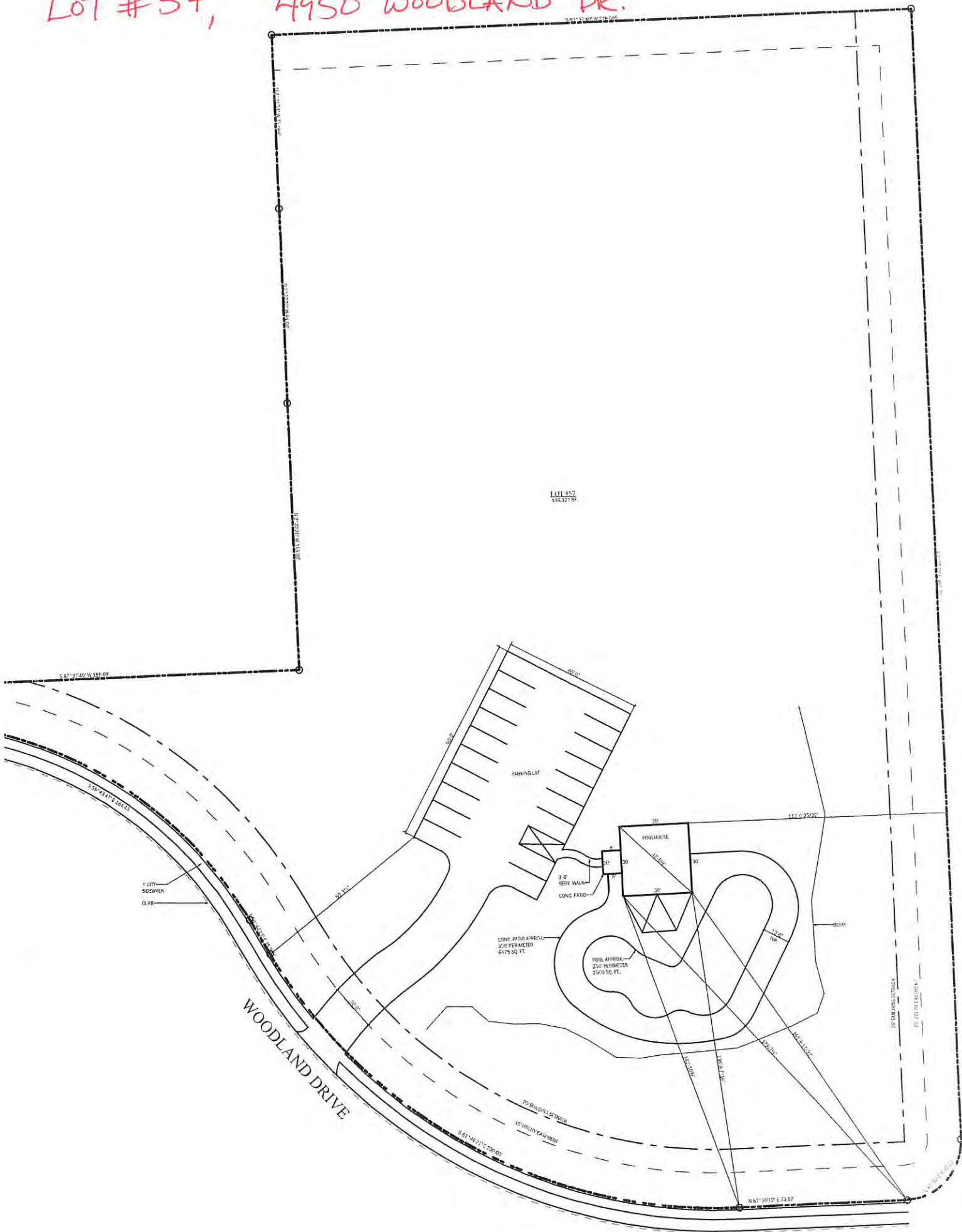
PHEASANT HILLS FIRST ADD



LOT 6, BEACON RIDGE FIRST ADD

LOT # 57,

4950 WOODLAND DR.



LOT # 57
146,177 SQ.



Case No. 20-027

APPEAL AND APPLICATION TO THE ZONING BOARD OF ADJUSTMENT OF BETTENDORF, IOWA

Part 1. Property Involved.

Street Address 4950 Woodbuid Drive

Legal Description of the property. Lot 57 The Woodlands 1st addition

Part 2. Contact Information.

Applicant Name Windmiller Development Phone 563-271-0808

Address P.O. Box 809 Bettendorf IA 52722 FAX _____

E-mail Address: Windmillerdevelopment@gmail.com

Owner Name _____ Phone _____

Address _____ FAX _____

E-mail Address: _____

Agent _____ Phone _____

Address _____ FAX _____

E-mail Address: _____

Part 3. Type of Application. (check at least one)

1. Variance/Exception. Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions **MUST** be met:

- (a) That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.
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- (c) The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
- (d) The location, nature, and height of buildings, walls, and fences and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.
- (e) Parking areas will be of adequate size for the particular use, properly located, and suitably screened from adjoining uses and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.
- (f) The proposed use will not cause substantial injury to the value of other property in the neighborhood.
- (g) Conditions in the area have substantially changed and at least one year has elapsed since any denial by the Board of Adjustment of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site.
- (h) The Board of Adjustment shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.

3. Other. _____

(Attach a separate sheet and explain in detail.)

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- (d) That by granting the request for a variance substantial justice shall be done.

We wish to install an 8' tall fence around our development pool.

Part 6. Attachments. The following items are attached and are a part of this application.

- () 1. Scale accurate site plan, at a scale of 1" = 20' or other suitable scale, showing adjacent street, property line, building location of existing and proposed buildings and other important features of the property. Required with all applications.
- () 2. Legal Description. (If not shown on page 1.)
- () 3. Floor plan if internal design of building is part of application.
- () 4. List additional attachments.

Part 7. Signature.

I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this 6 day of April, 20 20.

Signature of Applicant [Signature] Signature of Owner _____
(The owner MUST indicate his consent to this application by signing above. Application without the signature of the owner will not be processed)

State of Iowa)
) SS
County of Scott)

Before me the undersigned Notary Public, in and for the County and State, personally appeared applicant(s) and separately and severally acknowledge the execution of the foregoing application is his/her voluntary act and deed, for the purposes therein expressed.

Witness my Hand and Notarial Seal this 6 day of April, 20 20
Joan M. Bryant
Notary Public in and for Scott County, Iowa

Part 10. Filing Fee.

\$ 50.00 Single Family/Two-family Residential Variance
\$ 100.00 All Other Applications

Received by [Signature]
Amount \$100. Date 5/8/20
cc

